

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

KEISHAWN CRANFORD,

Plaintiff,

v.

STATE OF NEVADA, *et al.*,

Defendants.

Case No. 3:21-CV-00386-RCJ-CLB

ORDER GRANTING MOTION TO AMEND

[ECF No. 21]

Before the Court is Plaintiff Keishawn Cranford's ("Cranford") motion for leave to file a first amended complaint. (ECF No. 21.) Interested Party, Nevada Department of Corrections ("NDOC"), filed a non-opposition to the motion. (ECF No. 22.) Defendants Timothy Rigali and Chet Rigney did not file an opposition.¹ For the reasons stated below, the Court grants Cranford's motion to amend.

I. DISCUSSION

Cranford is an inmate in the custody of the Nevada Department of Corrections ("NDOC") and is currently housed at the Ely State Prison ("ESP"). Cranford initiated this action on August 27, 2021, by filing an application to proceed *in forma pauperis* and civil rights complaint. (ECF No. 1.) Pursuant to 28 U.S.C. § 1915A, the District Court screened Cranford's complaint and allowed him to proceed on claims for (1) Eighth Amendment excessive force against Defendants Rigney and Rigali, and (2) Fourteenth Amendment equal protection against Defendants Rigney and Rigali. (ECF No. 7.) The District Court additionally (1) dismissed, with prejudice, Defendants State of Nevada and NDOC, (2) dismissed, without prejudice, Defendants Charles Daniels, William Gittere, William Reubart, and Dawn Jones, (3) dismissed, without prejudice and with leave to amend, an

¹ The Attorney General of the State of Nevada, specifically Deputy Attorney General Kayla D. Dorame, accepted service on behalf of Defendants Rigali and Rigney on September 29, 2022. (ECF No. 18.) The non-opposition, (ECF No. 21), was filed on behalf of interested party, NDOC only, and was filed by the same attorney that represents Defendants Rigali and Rigney.

1 Eighth Amendment deliberate indifference to serious medical needs claim, and (4)
2 dismissed, without prejudice but without leave to amend, state law tort claims. (*Id.*)

3 On September 29, 2022, service was accepted on behalf of Defendants Rigney
4 and Rigali. (ECF No. 18.) No answer has been filed. Additionally, a discovery plan and
5 scheduling order has not been entered in this case. On October 11, 2022, Cranford filed
6 the instant motion for leave to file a first amended complaint along with his proposed first
7 amended complaint. (ECF Nos. 21, 21-1.) Cranford seeks to amend his complaint to
8 name additional Defendants and amend his deliberate indifference to serious medical
9 needs claim. (See *id.*) Specifically, Cranford asserts (1) an Eighth Amendment deliberate
10 indifference to serious medical needs claim against Defendants Dawn Jones, Gregory
11 Martin, and Michael Minev, (2) an Eighth Amendment excessive force claim against
12 Defendants Rigney and Rigali, and (3) a Fourteenth Amendment equal protection claim
13 against Defendants Rigney and Rigali. (*Id.*) Interested Party, NDOC filed a non-opposition
14 to the motion, (ECF No. 22), and Defendants Rigney and Rigali did not file an opposition
15 or otherwise respond to the motion.

16 Here, Cranford timely moved to amend his complaint—as a matter of course—to
17 add additional defendants and amend his deliberate indifference to serious medical needs
18 claim. Federal Rule of Civil Procedure 15(a)(1)(A) instructs that a party may amend its
19 pleading once as a matter of course within 21 days of serving it. Additionally, pursuant to
20 LR 7-2(d), the failure of an opposing party to file points and authorities in response to any
21 motion constitutes a consent to the granting of the motion. For these reasons, Cranford's
22 motion to amend is granted.

23 II. CONCLUSION

24 For the reasons discussed above, **IT IS ORDERED** that Cranford's motion for
25 leave to file a first amended complaint, (ECF No. 21), is **GRANTED**.

26 **IT IS FURTHER ORDERED** that the Clerk of the Court shall **FILE** Cranford's first
27 amended complaint, (ECF No. 21-1), which is now the operative complaint in this case.

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IT IS FURTHER ORDERED that the first amended complaint will **PROCEED** with:

- Eighth Amendment deliberate indifference to serious medical needs claim against Defendants Dawn Jones, Gregory Martin, and Michael Minev;
- Eighth Amendment excessive force claim against Defendants Rigney and Rigali; and,
- Fourteenth Amendment equal protection claim against Defendants Rigney and Rigali.

IT IS FURTHER ORDERED that within twenty-one (21) days of the date of entry of this order, the Attorney General's Office shall file notice advising the Court and Cranford of whether it can or cannot accept service on behalf of Dawn Jones, Gregory Martin, and Michael Minev. If the Attorney General's Office cannot accept service on behalf of Dawn Jones, Gregory Martin, and Michael Minev, the Office shall file, under seal, but shall not serve on Cranford, the last known address Dawn Jones, Gregory Martin, and Michael Minev, if it has such information. If the last known address of Dawn Jones, Gregory Martin, and Michael Minev is a post office box, the Attorney General's Office shall attempt to obtain and provide the last known physical address for these defendants. If service cannot be accepted for Dawn Jones, Gregory Martin, and Michael Minev, Cranford shall file a motion requesting issuance of a summons, specifying a full name and address for Dawn Jones, Gregory Martin, and Michael Minev. If the Attorney General has not provided last-known-address information, Cranford shall provide the full name and address for Dawn Jones, Gregory Martin, and Michael Minev.

IT IS FURTHER ORDERED that Defendants shall file and serve an answer or other response to the first amended complaint within **60 days** from the date of this order.

IT IS SO ORDERED.

DATED: October 26, 2022


UNITED STATES MAGISTRATE JUDGE